

REMARKS

Summary of Office Action

In the Office Action, maintained the previously set forth restriction requirement. The Examiner also rejected Claims 1, 2, 4, and 13 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter. Finally, the Examiner rejected Claims 1 and 2 under 35 U.S.C. § 102(b) and Claim 13 under 35 U.S.C. § 102(b) or alternatively under § 103(a). Importantly, however, the Examiner indicated that Claim 4 would be allowable if rewritten to overcome the § 112 rejection and to include all of the limitations of the base claim.

Summary of Amendment

Upon entry of the present Response to Office Action, Claim 1 will have been amended and Claims 4 and 13 will have been cancelled. As such, Claims 1 and 2 remain currently pending. By the present amendment, Applicants submit that the rejections have been overcome and respectfully request reconsideration of the outstanding Office Action.

Applicants' Response

1. Section 112, Second Paragraph, Rejection of Claims 1, 2, 4, and 13

The Examiner rejected Claim 1 because the claim element "the solvent" allegedly lacked antecedent basis. In response, Applicants have amended Claim 1 to recite, inter alia, "...wherein the suspension contains a solvent selected from the group consisting of..." Accordingly, Applicants respectfully submit that this rejection has been overcome and should now be withdrawn.

The Examiner rejected Claim 4 because the Markush group describing M^{III} contained compounds and because there should be an "and" before the last member of each Markush group. In response, Applicants have cancelled Claim 4 and incorporated the subject matter of Claim 4 into independent Claim 1. Amended Claim 1 now contains an "and" before the last member of each Markush group and has been amended to clearly

recite the colorant particle options by placing each option on its own line separated from the following option by a semicolon. Accordingly, Applicants respectfully submit that this rejection has been overcome and should now be withdrawn.

Because Claim 13 has been cancelled by the current amendment, Applicants respectfully submit that the rejection has been rendered moot.

2. Sections 102(b) and 103(a) Rejections of Claims 1, 2, and 13

The Examiner indicated in the Office Action that Claim 4 would be allowable if rewritten to overcome the § 112 rejections and to incorporate all of the limitations of the base claim. Accordingly, Applicants have amended independent Claim 1 to incorporate the elements of Claim 4 and have consequentially cancelled dependent Claim 4. Furthermore, independent Claim 13 has been cancelled by the current amendment. As such, Applicants respectfully submit that the currently pending Claims 1 and 2 are now in condition for allowance. Early notice to that effect is respectfully requested.

It is noted that the colorant particle options have been amended to recite the options of the original filing. Applicants respectfully submit that, as such, no new matter has been inserted. Additionally, Applicants respectfully submit that amended Claim 1 particularly points out and distinctly claims the subject matter which the Applicants regard as their invention and meets all requirement of 35 U.S.C. § 112, second paragraph. In particular, the presence of two metals within parentheses indicates a “solid solution” containing both metals, the format of which is commonly used in chemical and mineralogical works and reviews. Applicants respectfully submit that a person having ordinary skill in the art would recognize the format and understand what the Applicants are claiming. For example, “spinels,” which are solid solutions, are represented within the art using the format presented by the Applicants, namely two or more metals contained within parentheses and separated by commas.

As such, Applicants respectfully submit that currently pending Claims 1 and 2 incorporate the allowable subject matter of previous Claim 4 and are now in condition for allowance.

Application No.: 10/507,041
Response to Office Action of March 7, 2007
Attorney Docket: NOTAR-010US

Conclusion

Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 112, 102, and 103, and respectfully request that the Examiner indicate allowance of each and every pending claim of the present invention.

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in each of Claims 1 and 2. The applied references of record have been discussed and distinguished, while significant claim features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.


If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date:

8/6/07

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